

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION**

In re:

**Robert Eugene Fleming and Arah Louise  
Fleming**

**Case No. 11-80409**

S.S. Nos.: xxx-xx-3840 and xxx-xx-9449

Mailing Address: 5749 Craig Road, Durham, NC 27712-

Debtors.

**NOTICE TO CREDITORS AND PROPOSED PLAN**

The Debtors have filed for relief under Chapter 13 of the United States Bankruptcy Code on March 8, 2011.

The filing automatically stays collection and other actions against the Debtors, Debtors' property and certain co-debtors. If you attempt to collect a debt or take other action in violation of the bankruptcy stay, you may be penalized.

Official notice will be sent to creditors, which will provide the name and address of the Trustee, the date and time of the meeting of creditors, and the deadline for objecting to the plan. The official notice will include a proof of claim form.

A creditor must timely file a proof of claim with the Trustee in order to receive distributions under the plan. The Trustee will mail payments to the address provided on the proof of claim unless the creditor provides another address in writing for payments. If the claim is subsequently assigned or transferred, the Trustee will continue to remit payment to the original creditor until a formal notice of assignment or transfer is filed with the Court.

Attached is a copy of the Debtors' proposed Chapter 13 Plan consisting of 2 documents entitled: (1) Chapter 13 Plan and (2) Ch. 13 Plan - Debts Sheet (Middle). This is the same Plan that has already been filed with the Court.

Dated: March 23, 2011

**LAW OFFICES OF JOHN T. ORCUTT, P.C.**

/s John T. Orcutt

John T. Orcutt  
N.C. State Bar No. 10212  
Counsel for the Debtors  
6616-203 Six Forks Rd.  
Raleigh, N.C. 27615  
Tel. No. (919) 847-9750

circular.wpt (rev. 5/17/09)

CH. 13 PLAN - DEBTS SHEET (MIDDLE DISTRICT - DESARDI VERSION)				Date: 1/20/11			
				Lastname-SS#: Fleming-3840			
<b>RETAIN COLLATERAL &amp; PAY DIRECT OUTSIDE PLAN</b>							
Retain	Creditor Name	Sch D #	Description of Collateral				
	GMAC/Ally		2008 Chevrolet Truck				
<b>SURRENDER COLLATERAL</b>							
	Creditor Name	Description of Collateral					
<b>ARREARAGE CLAIMS</b>							
Retain	Creditor Name	Sch D #	Arrearage Amount	(See †)			
				**			
				**			
				**			
				**			
				**			
	Chase - 1st DOT		\$14,000	**			
			**				
			**				
			**				
<b>REFLECTED EXECUTORY CONTRACTS/LEASES</b>							
	Creditor Name	Description of Collateral					
<b>LTD - DOT ON PRINCIPAL RESIDENCE &amp; OTHER LONG TERM DEBTS</b>							
Retain	Creditor Name	Sch D #	Monthly Contract Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
	Chase - 1st DOT		\$1,645	N/A	n/a	\$1,645.00	land, home, escrow
				N/A	n/a		
				N/A	n/a		
			N/A	n/a			
<b>STD - SECURED DEBTS - a FMV</b>							
Retain	Creditor Name	Sch D #	FMV	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
				5.00			
				5.00			
				5.00			
			5.00				
<b>STD - SECURED DEBTS - a 100%</b>							
Retain	Creditor Name	Sch D #	Payoff Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
				5.00			
				5.00			
				5.00			
				5.00			
<b>ATTORNEY FEE (Unpaid part)</b>							
Law Offices of John T. Orcutt, P.C.			Amount \$2,766				
<b>SECURED TAXES</b>							
IRS Tax Liens			Secured Amt				
Real Property Taxes on Retained Realty							
<b>UNSECURED PRIORITY DEBTS</b>							
IRS Taxes			Amount \$1,672				
State Taxes							
Personal Property Taxes							
Alimony or Child Support Arrearage							
<b>CO-SIGN PROTECT (Pay 100%)</b>			Int. %	Payoff Amt			
All Co-Sign Protect Debts (See*)							
<b>GENERAL NON-PRIORITY UNSECURED</b>			Amount**				
DMI= None(\$0)			None(\$0)				
<b>PROPOSED CHAPTER 13 PLAN PAYMENT</b>							
\$ 2,069		per month for		60		months, then	
\$ N/A		per month for		N/A		months.	
Adequate Protection Payment Period:				3.73 months.			
Sch D # = The number of the secured debt as listed on Schedule D.							
Adequate Protection = Monthly Adequate Protection payment amt.							
† = May include up to 2 post-petition payments							
* Co-sign protect on all debts so designated on the filed schedules							
** = Greater of DMI x ACP or EAE (Page 4 of 4)							
Ch13Plan_MD (DeSardi Version 1/12/10) © LOJTO							
<b>Other Miscellaneous Provisions</b>							
Plan to allow for 3 "waivers".							

## **CERTIFICATE OF SERVICE**

I, Kaelyn McCollum, the undersigned, certifies that a copy of the foregoing **NOTICE TO CREDITORS AND PROPOSED PLAN** was served by automatic electronic noticing upon the following Trustee:

Richard M. Hutson, II  
Chapter 13 Trustee

and was also served by first class U.S. mail, postage prepaid, to the following parties at their respective addresses:

**All the creditors set forth on the mailing matrix filing in this case.**

/s Kaelyn McCollum  
\_\_\_\_\_  
Kaelyn McCollum

North Carolina Department of Revenue  
c/o NC Department of Justice  
Post Office Box 629  
Raleigh, NC 27602-0629

US Attorney's Office (ED)\*\*  
310 New Bern Avenue  
Suite 800, Federal Building  
Raleigh, NC 27601-1461

Duke University Health System  
Post Office Box 70841  
Charlotte, NC 28272-0841

Employment Security Commission  
Attn: Benefit Payment Control  
Post Office Box 26504  
Raleigh, NC 27611-6504

Absolute Collection Service \*\*  
421 Fayetteville Street Mall  
Suite 600  
Raleigh, NC 27601

Durham Regional Hospital  
and Emergency Medical Service  
402 Stadium Drive  
Durham, NC 27704

Credit Bureau  
Post Office Box 26140  
Greensboro, NC 27402

Ally  
Post Office Box 380901  
Attn: Managing Agent  
Minneapolis, MN 55438

Global Acceptance Credit Corp.  
Post Office Box 172800  
Arlington, TX 76003-2800

NC Child Support  
Centralized Collections  
Post Office Box 900006  
Raleigh, NC 27675-9006

Bank of America  
c/o MBNA  
PO Box 150216  
Wilmington, DE 19850-5026

Household Bank\*\*  
Post Office Box 80084  
Salinas, CA 93912-0084

Equifax Information Systems LLC  
P.O. Box 740241  
Atlanta, GA 30374-0241

Brock & Scott, PLLC  
5431 Oleander Drive  
Suite 200  
Wilmington, NC 28403

Internal Revenue Service (MD)\*\*  
Post Office Box 7346  
Philadelphia, PA 19101-7346

Experian  
P.O. Box 2002  
Allen, TX 75013-2002

Budzik & Dynia, LLC  
4355 N. Milwaukee Avenue  
Chicago, IL 60641

Law Offices of John T. Orcutt  
6616-203 Six Forks Road  
Raleigh, NC 27615

Trans Union Corporation  
P.O. Box 2000  
Crum Lynne, PA 19022-2000

Capital One \*\*\*  
Post Office Box 30285  
Salt Lake City, UT 84130-0285

Legal Helpers Debt Resolution, LL  
DBA Macey, Aleman, Hyslip & Sea  
233 S. Wacker Drive, Suite 5150  
Chicago, IL 60606

ChexSystems  
Attn: Consumer Relations  
7805 Hudson Road, Ste. 100  
Woodbury, MN 55125

Chase Mortgage  
Post Office Box 24696  
Attn: Managing Agent  
Columbus, OH 43224-0696

Macy's \*\*  
Bankruptcy Processing  
P.O. Box 8053  
Mason, OH 45040

Internal Revenue Service (ED)\*\*  
Post Office Box 7346  
Philadelphia, PA 19101-7346

Credit Bureau of Greensboro\*\*  
Post Office Box 26140  
Greensboro, NC 27402-0040

Midland Credit Management, Inc\*\*\*  
8875 Aero Drive, Suite 200  
San Diego, CA 92123

North Carolina Department of Revenue  
c/o Reginald S. Hinton  
Post Office Box 25000  
Raleigh, NC 27640-5000

North Carolina Dept of Revenue\*\*  
Post Office Box 1168  
Raleigh, NC 27602-1168

Orange County Tax Collections\*\*  
PO Box 8181  
Attn: Managing Agent  
Hillsborough, NC 27278

Orange County Tax Collections\*\*  
PO Box 8181  
Hillsborough, NC 27278

SECCREDIT  
2623 West Oxford Loop  
Oxford, MS 38655

US Attorney's Office (MD)\*\*  
Middle District  
Post Office Box 1858  
Greensboro, NC 27502-1858